

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PHILLIP RIOS,

Plaintiff,

vs.

Civ. No. 08-815 BB/RHS

STEVE FARMER, "OFFICER" RHODES,
HALE PAYNE, AND THE BOARD OF COUNTY
COMMISSIONERS OF EDDY COUNTY,

Defendants.

REPORT AND RECOMMENDATION

THIS MATTER came before the Court on August 12, 2009, at 9:00 a.m. pursuant to an Order to Show Cause that was issued directing the Plaintiff to appear and show cause, if any he had, why the pending motion of James Lyle, Esq., to withdraw as counsel should not be granted and the Court enter an order of dismissal with prejudice. Mr. Lyle appeared personally and the Plaintiff did not appear, nor did the Plaintiff contact the undersigned to indicate that he could not appear because of illness, emergency, or otherwise. Mr. Lyle advised the Court that he had mailed notice of the Order to Show Cause hearing to the Plaintiff and that the mailing was accomplished by certified mail with a return receipt requested. The Plaintiff signed the return receipt indicating that he had knowledge of the Order to Show Cause hearing and Mr. Lyle has filed the same of record with the Clerk of the Court.

The undersigned therefore concludes that the Plaintiff has no objection to Mr. Lyle withdrawing as his attorney of record nor does the Plaintiff have any objection to the Court dismissing the above-captioned cause with prejudice.

IT IS RESPECTFULLY RECOMMENDED that Mr. Lyle's Motion to Withdraw as Counsel be granted and that the above-captioned cause be dismissed with prejudice.

Robert Hayes Scott

ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE